

of the felon, or the convict? Or is it the convict himself? the man who commits the crime? Whatever consequences may come upon the wife and children from the application of the present law, who is guilty of these consequences? The State, which declares that treason shall be punished by forfeiture of the whole estate? Is it the State which is guilty of the consequences which must fall upon the wife and children of traitors? Assuredly not. It is the man who commits the treason, who alone is responsible.

If the law is certain and fixed in this matter, I take it that it may have the most wholesome consequences in this; that before a man takes it upon himself to commit treason, he will think of his wife and children at home, who may be not only disgraced but beggared by his treason.

Look at the consequences of treason to-day. Do we or do we not believe that all the calamities which are falling upon our nation have resulted from the crime of treason? You can count your widows by hundreds of thousands and your orphans by millions. Is it because men have been true liege men, paying the respect and rendering the allegiance due to the constituted authorities of the government? Is that why you have whole divisions, and corps, and armies of widows and orphans? No such thing, sir. It is simply because treason is in the land. I want to keep treason for the future out of the land. I want the man to know, when he commits this crime of treason, that he not only involves his wife and children in its direful consequences, but enwraps the nation in them. I think I am quite as humanitarian in my feelings as my friend, although I am sure he is so from his manner. All I desire is that we shall so legislate here that men may take note of the fact that not only are the destinies of the State and nation involved when treason is committed, but that their own wives and children share the destinies of the State and the nation.

Is there anything wrong in this, looking at it in its practical application? A rich man has an estate, and he commits treason against the Government. Treason necessarily involves armies. Levying war involves armies. How does that operate upon his poor neighbor, and upon his poor neighbor's wife and children? The first thing you know you have what we are now having daily, a draft upon the population of the State. You take the poor man from his house and home, from his wife and children, and you send him out to perish either from disease or from violence upon the battle-field. What is the consequence to that wife and to those children? They are robbed of protection. They are robbed of support, beggared, and cast loose with nothing to shelter them from the inhumanities of a cold and

heartless world. Are we not to consider this? If we are to avoid the suffering of the people *en masse*, or of a single suffering widow and child, this is the way to do it. Make treason almost impossible, make it entirely impossible if you can. Teach the lesson of obedience to the law of the land. Tell the man who does not obey that law, that he forfeits all. When you make him understand this, he will be less likely to put his hand sacrilegiously upon that ark which carries the covenant of the Union.

Mr. BELT. If my friend from Howard will allow me, I will suggest one practical difficulty in his argument, which is this: suppose we change the law so that a man about to commit treason shall know that his wife and children cannot succeed to his property, what is there to prevent his selling that property and investing the proceeds with a trustee for their benefit?

Mr. SANDS. When we get the trustee, I am in favor of taking it from him.

Mr. BELT. I do not suppose that any one would propose to forfeit a man's property before he has committed treason.

Mr. SANDS. Certainly not.

Mr. BELT. It is perfectly competent then for a man who intends to wage war against the Government, before he commits any overt act, to dispose of his property in such a manner that all the laws on the face of the earth cannot interfere with the transfer. I merely mention this as practically interfering with the operation of the change the gentleman proposes to make in this clause.

Mr. SANDS resumed. I am obliged to the gentleman for his suggestion. I will meet it in this way. I would force every man who intended to commit treason to place his property in the hands of a trustee; and then I would provide that any such conveyance should be *ab initio*, null and void. That is the way I would avoid that in the future. But that is not the way to meet any case in the past; because I am opposed to the passage of any *ex post facto* laws. I am looking to the future, to the permanence of peace and security. I do not want that it shall be in the experience of the youngest child that lives to-day, or the child yet unborn; no, sir, not for generations to come, to see what I have seen. I do not want this nation, so long as God suffers it to be a nation, to be again in the condition it is this day. I want to provide against that, if I can. One of my means of doing so, is to make treason next to impossible; to make men know that when they go in that direction they go in the direction of wrong. Can I not show how to do that?

So long as laws are ambiguous, the proverb has something in it, that they are cobwebs through which the larger bodies break away, while they entangle and destroy the